

Notice of Allowability

Application No.

10/826,681

Applicant(s)

CELIK ET AL.

Examiner

Ngoclan T. Mai

Art Unit

1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/8/07.
2. ☒ The allowed claim(s) is/are 1-4, 14, 18, 19 and 21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 3/29/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/8/07 has been entered.

2. Claims 1-4, 14, 18-21 rejected under 35 U.S.C. 112, first paragraph is withdrawn in view of claim 1 being amended per paper filed 3/8/07.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's attorney Mr. Paul Bianco on March 29, 2007.

The application has been amended as follows:

In claim 1, line 1, replace "A base metal" with -A laminated ceramic capacitor comprising an internal electrode fabricated from an--.

In claims 2, 3 and 4, line 1, replace "An alloy powder" with -The laminated ceramic capacitor --.

Art Unit: 1742

In claim 14, line 1, replace "An alloy powder according to claim 1 having" with --The laminated ceramic capacitor according to claim 1, wherein the alloy powder has --.

In claim 18, line 1-2, replace "An alloy powder according to claim 1, comprising nickel and at least one alloy element" with --The laminated ceramic capacitor of claim 1,--.

In claim 19, line 1, replace "An alloy powder according to claim 18," with --The laminated ceramic capacitor of claim 18,-- .

In claim 21, line 1, replace "An alloy powder according to claim 1," with -- The laminated ceramic capacitor of claim 1,".

Delete claims 8-10, 16-17 and 20.

Per MPEP 1302.04(a) amend the title to read as follows: --Laminated Ceramic Capacitor--.

Allowable Subject Matter

4. Claims 1-4, 14, 18-19 and 21 as amended above are allowed for the following reasons:

Newly discovered U.S. Patent No. 4,060,663, now Merz et al, which teaches an alloy of nickel and chromium comprising 75% nickel, 20% chromium, 2.5% copper and 2.5% aluminum, wherein the alloy is formed into powder by atomizing to -- 325 mesh, i.e., less than 45 microns, col. 2, l. 1-6. The alloy powders together with glass frit are formed into vitreous enamel resistance material for use as electrical resistor, col. 1, l. 9-15. Internal electrode in laminated ceramic capacitor and electrical resistor have different properties and function differently, therefore there is no motivation for one skill in the art to employ

Art Unit: 1742

alloy powder used for electrical resistor when internal electrode for ceramic capacitor is to be produced.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoclan T. Mai whose telephone number is (571) 272-1246. The examiner can normally be reached on 9:30-6:00 PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.M.
n.m.


ROY KING
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700